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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,141	11/22/2000	Neelamadhaba Mahapatro	44431/233237 (JA13237-153)	7049
7590	11/24/2003		EXAMINER IRSHADULLAH, M	
Steven P Wigmore King & Spalding 191 Peachtree Street 45th Floor Atlanta, GA 30303-1763			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/721,141

Examiner

M. Irshadullah

Applicant(s)

MAHAPATRO, NEELAMADHABA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 40-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 40-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. This communication is in response to amendments filed September 22, 2003.

#### ***Summary Of Instant Office Action***

2. Applicant's arguments regarding claims 40-49 rejected under 35 USC 103, Paper No. 23, Office Action mailed June 20, 2003 have been considered and are responded below.

3. Amendments to claims 40, 42-44 have been entered.
4. Pursuant to Applicant's amendment, rejection under 35 U.S.C. 101 is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deziel, Jr. et al (US Patent 5,406,476) in view of Hughes et al (US Patent 5,893,074). Deziel et al disclose:

**Claim 40.** (Currently Amended) A computer-implemented method for generating a plurality of individually schedulable assignments for a task, based upon

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task constraints associated with said task, said task constraints identifying N resources assigned to said task where N is a positive integer, a start time, a finish date and a required work-amount corresponding to each of said N resources, steps comprising the steps of:

d) determining assignments that are independent of other assignments (Col. 10, lines 33-38 recited with col. 9, lines 51-58, Fig. 3a {A, B, C, D, E}, wherein A-E are activities or assignments of a project {Col. 9, lines 20-22}, assignments or activities A and B owing to their slack less than activities or assignments C, D, E were considered {determined} to have no predecessor inferring that said assignments or activities A and B are not dependent on {are independent of} activities or assignments C, D, E);

e) determining assignments that have finish date task constraints (Col. 8, lines 59-60, wherein "activity" is "assignment" of the project as per col. 7, lines 25-26 {Specifically, the activities of the project network are identified} and "finish time" encompassing "finish date" as per col. 12, lines 37-40 {project management tools should produce the probability distribution on finish date or estimate a finish date}, representing "finish date conditions or constraints" relating to the cited project or task);

f) determining assignments that have start time task constraints (Col. 8, lines 59-60, wherein as discussed above "activity" is "assignment" and "start time" representing "start time conditions or constraints" relating to above discussed project or task);

g) scheduling the assignments that have start time task constraints before assignments that independent of other assignments and assignments that have finish date task constraints (Col. 8, lines 59-60 recited with col. 9, lines 60-65, wherein user

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would use reference's "scheduling" function for activities or assignments that have cited start time conditions or constraints and finish time or date conditions or constraints and as discussed above, reference system is capable of scheduling activity prior to or before some other activity or activities or assignments {A prior to B or A, B prior to C, D, E} including above discussed "independent" assignments or activities);

h) scheduling the assignments that are independent of other assignments (Col. 10, lines 1-2. Here only one assignment or activity has been considered, however, the procedure would be used for more than one such activities or assignments); and

i) generating a schedule (comprising the N assignments, see discussion below) which is balanced and maximizes a utilization of the N resources (Fig. 3a (I, III, IV, V, VI, VII) described col. 9, line 46 through col. 10, line 20, and col. 9, lines 14-19, wherein citation of col. 9, line 46 to col. 10, line 20 the process of scheduling (generating a schedule) activities (assignments) A-E and col. 9, lines 14-19 describe that in reference's preferred embodiment "holding queue" were utilized to prevent the production (generation) of less than optimal selection of activities for scheduling on the basis of least slack constraint. In other words, reference would have the capability of producing optimal (or closely optimal) or balanced schedule. The resultant schedule would be resource feasible (maximizes resource utilization) achievable within a prescribed confidence level (Abstract, lines 14-16));

In the following elements Deziel et al do not explicitly show following features; however, Hughes et al teach the same:

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{a) dividing said task into N assignments, said task comprising an amount of work, each assignment comprising a portion of the work that corresponds with an individual resource (Fig. 1 (10, 14a-d broken into 15a-d), col. 5, lines 9-13 and lines 45-50 read with 63-67, wherein cited "smaller tasks" infer a part (portion) of larger task which is performed by each of the employees, termed as "contract" (corresponding to individual resource).

b) associating each of said N assignments with one of said N resources, each resource comprising one of an non-human and human object capable of performing an assignment (Col 6, lines 19-22, Fig. 1 (10, 15a-d), col. 3, lines 22-25 read with col. 4, lines 27-29 and col.1, lines 41-45. Applicant will appreciate that customarily/practically all personnel and equipment/machines/computers, area/space (human and nonhuman resources) would be included/assigned in/to the project because for their qualification and capability to performing the job/work/project/task/assignment (capable of performing an assignment));

c) for each assignment, identifying the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment (Fig. 1 (15a-d), col. 6, line 17 recited with col. 5, lines 12-13, 45-50 and 63-67, col. 4, lines 27-29 and col. 11, lines 44-47)). While Deziel, Jr. et al provide a method for scheduling activities or assignments of a project or task taking into consideration the requisite constraints, Hughes et al deal with breaking down or dividing project or task into smaller tasks or assignments.

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It would have been obvious to one of ordinary skill in the project/task/assignment management at the time of Applicant's invention to incorporate Hughes et al's features into Deziel et al's invention, thereby providing a system which would allow to break projects or tasks into smaller tasks or activities (plurality of assignments) and schedule them optimally and fully (maximally) employing the available resources having constraints.

**Claim 41.** (Previously presented) The method of Claim 40, wherein said task constraints identify one or more scheduling constraints {comprising one of task priority (Deziel et al: Abstract, lines 5-6, wherein activities (tasks or assignments) are allocated in order of highest priority) and assignment limit (Abstract, lines 15-16, wherein scheduling an activity (assignment or task) which is "resource feasible and achievable" clearly indicates the claimed assignment limit constraint}, and further comprising the step of associating each of said N assignments with said scheduling constraints (Deziel et al: Title, Abstract, lines 3-7, col. 1, lines 12-15, Figs. 3a and 3c described col 9, lines 46-68 continue col 10, lines 1-28 and 29-43).

**Claim 42.** (Currently Amended) The method of Claim 40, wherein said task constraints identify one or more scheduling constraints comprising one of task priority and assignment limit (See the discussion in Applicant's claim 41 above).

**Claim 43.** (Currently Amended) A computer-readable medium on which is stored a computer program for generating a plurality of schedulable assignments for a task (Hughes: Fig. 5 described col 11, lines 9-32 {specifically lines 17-19}, Title, Abstract, lines 1-2, col 3, lines 29, 40-43), said program performing the steps comprising:

b) dividing said task into N assignments, each of said N assignments identifying one of said N resources, each assignment comprising a portion of the work that corresponds with an individual resource, each resource comprising one of a non-human and human object capable of performing an assignment (See discussion of Applicant's claims 40a) and 40b) above);

c) for each assignment, identifying the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment (See discussion of Applicant's claim 40c) above));

d) associating each of said N assignments with said scheduling constraints for said task (Hughes: Col 6, lines 19-22, Fig. 1 (10, 15a-d), col. lines 9-11, wherein "smaller tasks" infer claimed "assignments" and "delivery date, supplier's available delivery date with the product" point to "task constraints");

e) determining assignments that are independent of other assignments (See discussion of Applicant's claim 40d) above);

f) determining assignments that have finish data task constraints (See discussion of Applicant's claim 40e) above);



g) determining assignments that have start time task constraints (See discussion of Applicant's claim 40f) above);

h) scheduling assignments with start time task constraints before assignments that are independent of other assignments and assignments with finish date task constraints (See discussion of Applicant's claim 40g) above);

i) scheduling the assignments that are independent of other assignments (See discussion of Applicant's claim 40h) above);

j) generating a schedule comprising the N assignments which is balanced and maximizes a utilization of the N resources (See discussion of Applicant's claim 40i) above); and

In the following element:

a) receiving a task description for said task, said task description identifying N resources assigned to said task where N is a positive integer, said task comprising an amount of work, a required work-amount corresponding to each of said N resources, and one or more scheduling constraints for said task that comprise one of start times and finish dates;

Deziel et al teach:

task comprising one of start times and finish dates (Col. 8, lines 59-60, wherein cited start time and finish time or date are related to above cited project or task).

Deziel et al do not teach:

receiving a task description for said task, said task description identifying N resources assigned to said task where N is a positive integer, said task comprising an

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amount of work, a required work-amount corresponding to each of said N resources, and one or more scheduling constraints for said task.

However, Hughes teaches the same (Col. 2, lines 17-19, col. 5, lines 30-32 recited with col. 5, lines 10-13, 46-50, col. 11, lines 44-47). While Deziel, Jr. et al provide a method for scheduling activities or assignments of a project or task taking into consideration the requisite constraints, Hughes et al deal with breaking down or dividing project or task into smaller tasks or assignments.

It would have been obvious to one of ordinary skill in the project/task/assignment management at the time of Applicant's invention to incorporate Hughes et al's features into Deziel et al's invention, thereby providing a system which would allow to break projects or tasks into smaller tasks or activities (plurality of assignments) and schedule them optimally and fully (maximally) employing the available resources having requisite constraints including start times and finish times or dates.

**Claim 44** comprises same limitations as claim 43 above. In addition, Deziel, Jr. et al teaches the following:

- a) a processing unit (Fig 1 (10));
- b) a memory storage device (Fig. 1 (11, 32));
- c) a program module, stored in the memory storage device for providing instructions to the processing unit (Fig. 1(11), col. 7, lines 15-16);
- d) the processing unit, responsive to the instructions of the program module (Fig. 1 (10 working with 11)).

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**Claim 45.** (Previously Presented) The computer system of Claim 44, wherein the processing unit is further operative to set a work-amount for each of the N assignments to the total amount of required work divided by N (Inherent, since breaking a project/task into an equal number of components/tasks/assignments one has to divide by a number, say N).

**Claim 46.** (Previously Presented) The computer system of Claim 44, wherein the task description includes an assignment limit for at least one of the N resources, and the processing unit is further operative to set a work amount for each of the N assignments in accordance with the assignment limits and in a manner that the summation of all of the work-amounts is equal to the total amount of required work (Col 2, lines 5-25, claim 8 read with col 13, lines 1-11 (specifically lines 1-4, 5-8)).

**Claim 47.** (Previously Presented) The computer system of Claim 44, wherein the task description includes one or more scheduling constraints for the task, and the processing unit is further operative to set a work-amount for each of the N assignments as a function of the scheduling constraints and in a manner that the summation of all of the work-amounts is equal to the total amount of required work (Col 11, lines 40-44 (specifically lines 43-44), lines 44-47, claim 8 recited with col. 13, lines 1-11 (specifically lines 1-4, 5- 8)).

**Claim 48.** (Previously Presented) The computer system of Claim 44, wherein the task description includes one or more scheduling constraints for the task, and the processing unit is further operative to associate each of the N assignments with the scheduling constraints (Col 11, lines 40-44 (specifically lines 43-44), lines 44-47, col 6, lines 19, 20, 21 and 22 read with col 5, lines 9-13 and 46-50).

**Claim 49.** (Previously Presented) The computer system of Claim 44, wherein the task description includes one or more scheduling constraints for the task (Hughes et al: Col 11, lines 40-44 (specifically lines 43-44), lines 44-47), and the processing unit (Fig. 1 (2)) is further operative to:

associate each of the N assignments with the scheduling constraints (Hughes et al: Col 6, lines 19, 20, 21 and 22 and col 11, lines 44-47); and

In the undernoted element, Hughes et al do not show the following feature:

assign a priority to each of the assignments as a function of the scheduling constraints.

However Deziel et al teach the same (Abstract, line 6, col 8, lines 39-44 and discussion of Applicant's claim 41 above). While Deziel, Jr. et al provide a method for scheduling activities or assignments of a project or task taking into consideration the requisite constraints, Hughes et al deal with breaking down or dividing project or task into smaller tasks or assignments.

It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to incorporate Deziel et al's feature into Hughes et al's invention,

because assigning a priority would determine the order in which the task (assignment) be scheduled and done.

***Response to Arguments***

7. Applicant's arguments filed December 19, 2002 have been considered and are responded below.

Applicant in the Remarks argues that:

a) Deziel and Hughes do not teach the features as recited in claims 40, 43 and 44 (49 should have been 44):

1) determining assignments that are independent of other assignments; 2) determining assignments that have finish date task constraints; 3) determining assignments that have start time task constraints; 4) scheduling the assignments that have start time task constraints before assignments that independent of other assignments and assignments that have finish date task constraints; 5) scheduling the assignments that are independent of other assignments; and 6) generating a schedule comprising the N assignments, see discussion below which is balanced and maximizes a utilization of the N resources.

In this regard Applicant is referred to the following discussion wherein Deziel, Jr. et al teach the above recited elements:

1) determining assignments that are independent of other assignments (Col. 10, lines 33-38 recited with col. 9, lines 51-58, Fig. 3a {A, B, C, D, E}, wherein A-E are activities or assignments of a project {Col. 9, lines 20-22}, assignments or activities A

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and B owing to their slack less than activities or assignments C, D, E were considered {determined} to have no predecessor inferring that said assignments or activities A and B are not dependent on {are independent of} activities or assignments C, D, E);

2) determining assignments that have finish date task constraints (Col. 8, lines 59-60, wherein "activity" is "assignment" of the project as per col. 7, lines 25-26 {Specifically, the activities of the project network are identified} and "finish time" encompassing "finish date" as per col. 12, lines 37-40 {project management tools should produce the probability distribution on finish date or estimate a finish date}, representing "finish date conditions or constraints" relating to the cited project or task);

3) determining assignments that have start time task constraints (Col. 8, lines 59-60, wherein as discussed above "activity" is "assignment" and "start time" representing "start time conditions or constraints" relating to above discussed project or task);

4) scheduling the assignments that have start time task constraints before assignments that independent of other assignments and assignments that have finish date task constraints (Col. 8, lines 59-60 recited with col. 9, lines 60-65, wherein user would use reference's "scheduling" function for activities or assignments that have cited start time conditions or constraints and finish time or date conditions or constraints and as discussed above, reference system is capable of scheduling activity prior to or before some other activity or activities or assignments {A prior to B or A, B prior to C, D, E} including above discussed "independent" assignments or activities);

5) scheduling the assignments that are independent of other assignments (Col. 10, lines 1-2. Here only one assignment or activity has been considered, however, the procedure would be used for more than one such activities or assignments); and

6) generating a schedule (comprising the N assignments, see discussion below) which is balanced and maximizes a utilization of the N resources (Fig. 3a (I, III, IV, V, VI, VII) described col. 9, line 46 through col. 10, line 20, and col. 9, lines 14-19, wherein citation of col. 9, line 46 to col. 10, line 20 the process of scheduling (generating a schedule) activities (assignments) A-E and col. 9, lines 14-19 describe that in reference's preferred embodiment "holding queue" were utilized to prevent the production (generation) of less than optimal selection of activities for scheduling on the basis of least slack constraint. In other words, reference would have the capability of producing optimal (or closely optimal) or balanced schedule. The resultant schedule would be resource feasible (maximizes resource utilization) achievable within a prescribed confidence level (Abstract, lines 14-16)).

b) Deziel and Hughes do not teach: "assignments".

In this respect Applicant ought to realize that it is only the matter of "terminology". What Applicant calls "assignment" is termed by Deziel, Jr. et al as "activities" for which Applicant is directed to Deziel's col. 7, lines 25-30 which read as: "Specifically, the activities of the project are identified, scheduling precedence is specified between activities indicating the inbound activities to each activity in the project and the resources required by each activity". From the citation, it is clear that a project or task comprises broken down or divided parts or components called "activities" which are

indeed "assignments" as per Applicant's Specification, page 7, line 36 through page 8, line 1: "The assignments are generated by dividing each task by the number of assigned resources and then identifying resource and associating with the assignment".

Similarly, Hughes teaches "assignments" as "smaller tasks" which are broken down or divided components or parts of a larger task as is clear from the recitation of col. 5, lines 9-15: "The project 10 is broken down {divided} into a series of large-scale tasks 14a-14d. Each task 14-a-14d is divided or broken down into smaller tasks 15a-15d", and each smaller task or assignment is performed by individual employees (Col. 5, line 63 through col. 6, line 8). Furthermore, "contract" is in fact the piece of work {smaller task or assignment} allocated or assigned to and performed by an employee.

From the above discussion it is clear that Deziel, Jr. et al and Hughes teach "assignments". It is just the matter of nomenclature.

c) Deziel does not teach: 1) determining assignments that are independent of other assignments; 2) determining assignments that have finish date task constraints; 3) determining assignments that have start time task constraints; 4) scheduling the assignments that have start time task constraints before assignments that independent of other assignments and assignments that have finish date task constraints; 5) scheduling the assignments that are independent of other assignments; and 6) generating a schedule comprising the N assignments, see discussion below which is balanced and maximizes a utilization of the N resources.

Regarding this, Applicant is advised to see the following case law:



In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

d) Deziel does not divide tasks into assignments.

Regarding this, Applicant is invited to the discussion in a) to c) above.

In the end, Applicant would like to consider the following:

In general, applicant's arguments fail to consider the full teachings of the references in light of the knowledge generally available to those in the appropriate art and the level of ordinary skill in this art. Moreover, applicant's arguments take an overly narrow view of the claim language.

The prior art relied upon in the rejection of the claims ought to be considered as a whole in order to appreciate and determine similarity or closeness of the systems under consideration, including the composition of contents and functions (or functionality) of the systems.

Then come nomenclature, terminology and titling of the systems. The systems may be, and usually are, named, terminology used, titled differently by proponents or applicants, yet the component composition would be same or similar and they would be performing same or similar function(s).

In the light of above mentioned facts, it is respectfully stated that Applicant's arguments have been fully considered, deemed unpersuasive and prior rejection is maintained.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached on Monday-Friday 11:00-5:30.

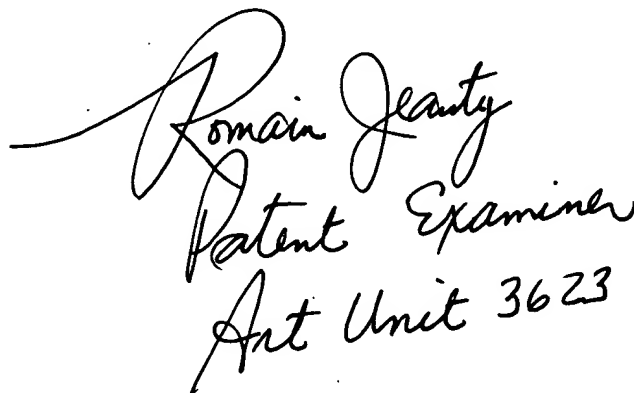
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned are (703) 872-9326 and for After Final (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



M. Irshadullah  
November 07, 2003



Romain Jeaury  
Patent Examiner  
Art Unit 3623